THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION No.33072 of 1998

Dated : 21.03.2007

Between:

M.Subash Chander S/o Mallaiah and others.

… **PETITIONERS**

And:

Government of Andhra Pradesh, rep., by its Secretary, Department of Revenue, Secretariat, Hyderabad and others.

….**RESPONDENTS**

THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

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ORDER:

Petitioners are the successors of one Mekala Narayana, who was granted laoni patta in respect of the land admeasuring Ac.1.13 gts in Sy.No.479 situated at Farooqnagar village and Mandal, Mahaboobnagar District. The second respondent exercising powers under Section 166-B(1) of the Land Revenue Act, 1317 Fasli, issued show cause notice dated 04.11.1998 to as many as twenty two persons to whom laoni pattas were granted on allegation that the land assigned to them is tank bed, which cannot be assigned, and the then Tahsildar, without taking into consideration the said fact, assigned the same, and hence they were called upon to explain as to why the assignment granted in their favour cannot be cancelled. The petitioners state that though the notice was issued in the name of the original assignee, who is no more, they submitted their explanation to the said show cause notice. Now they apprehend that the assignment

may be cancelled without considering their explanation and they may be dispossessed from the land in question. Hence, this writ petition.

Despite service of notice, the respondents have not chosen to file any counter.

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue.

Evidently, petitioners were issued only the show cause notice dated 04.11.1998, for which they also submitted their explanation on 16.11.1998. On mere apprehension that they may be evicted from the land in question, they filed this writ petition. While issuing rule nisi on 27.11.1998, this Court directed the respondents not to dispossess the petitioners, and in view of the same, the petitioners are stated to be in possession of the land in question.

Having regard to the fact that the explanation submitted by the petitioners is pending with the respondents, the respondents are hereby directed to consider the same and pass appropriate orders in accordance with law.

Accordingly, the writ petition is disposed of. There shall be no order as to costs.

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21.03.2007

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